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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,453	08/24/2000	Max Gerhaher		4379

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SUITE B  
TIJERAS, NM 87059

EXAMINER

NGUYEN, TAI T

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/645,453

Applicant(s)

GERHAHER, MAX

Examiner

Tai T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

2. The drawings are objected to because

Figure 1, all numeric blocks need to be labeled with descriptive legends according to 37CFR 1.84(o).

Correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-14 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 4, 990,887).

**Regarding claim 10**, Lee discloses a method of warning a following vehicle when a vehicle in front applies its brakes, including the steps of:

a brake switch (17) for causing at least one brake light (38) to illuminate during a braking process in conformity with a present value of a braking value (figure 1); and  
a digital delay timer (45) for causing illumination to last for a retention time, e.g. 8 seconds, whereupon the brake light continue to be illuminated for a predetermined time period after ceasing depression (figure 1; col. 4, line 15 through col.6, line 15).

Lee discloses the instant claimed invention except for: the illumination is last for a retention time in conformity with a maximum value of the braking value after the braking value drops below the maximum value. Since Lee discloses the brake light is turned on and remained illumination for a retention time (col. 6, lines 6-15), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that the braking light is illuminated during a maximum value of braking process and remained on in a predetermined of time period after the brake is ceased for the purpose of indicating the braking process of the leading vehicle in order to avoid a rear end collision with a following vehicle.

**Regarding claim 11**, Lee discloses the instant claimed invention except for: the step of causing the illumination to, after conclusion of the retention time. Since Lee disclose the brake light (38) will remain illumination as long as 8 seconds after a depression of the brake switch is ceased (see abstract), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that the illumination of the brake light is fade out in order to indicate to the following vehicles that the leading vehicle is in acceleration state.

**Regarding claim 12**, Lee discloses the instant claimed invention except for: a braking value is provided by deceleration of the vehicle. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that the braking value is provided by acceleration of the vehicle in order to slow down the vehicle speed when brake is applied.

**Regarding claim 13**, Lee discloses the instant claimed invention except for: at least one brake light illuminates upon activation of an ABS system in conformity with a predetermined braking value. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use ABS system in order to activate the brake light in response to the actuation of the brake switch for the purpose of providing an indication when the leading vehicle is deceleration.

**Regarding claim 14**, Lee discloses the retention time is provided by the duration between the end of the maximum braking value and the point in time at which the braking value drops to a predetermined fraction of the maximum value (col. 4, line 55 through col. 5, line 34).

**Regarding claim 18**, Lee discloses a method of warning a following vehicle when a vehicle in front applies its brakes, comprising:

- at least one brake light (38, figure 1);
- a control device (11) having a computer (45, figure 1); and
- means (17) for conveying to the control device at least one present braking value in a braking process, wherein the control device turns on the brake light during the

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braking process and the brake light remains on for a predetermined of time (figure 1; col. 4, line 15 through col.6, line 15).

Lee discloses the instant claimed invention except for: the illumination is last for a retention time in conformity with a maximum value of the braking value after the braking value drops below the maximum value. Since Lee discloses the control device (45) the brake light is turned on and remained illumination for a retention time (col. 6, lines 6-15), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that the braking light is illuminated during a maximum value of braking process and remained on in a predetermined of time period after the brake is ceased for the purpose of indicating the braking process of the leading vehicle in order to avoid a rear end collision with a following vehicle.

**Regarding claim 19,** refer to claim 11 above.

5. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Scott (US 5,172,095).

**Regarding claims 15-17,** Lee discloses the instant claimed invention except for: a speed of the leading vehicle is detected at the beginning of the braking process, and duration of the fading is a function the vehicle speed at the beginning of the braking process. Scott teaches an accelerometer (44) for detecting the vehicle speed for providing a deceleration signal, and a deceleration lamp (28) will remain on and flashing intermittently as long as the deceleration signal is present and for a predetermined period of time (figure 1; col. 3, lines 11-62). Therefore, it would have been obvious to a

person having ordinary skill in the art at the time the invention was made to utilize the acceleration switch and the deceleration lamp as taught by Scott into the system as disclosed by Lee for the purpose of detecting vehicle speed, providing an indication thereof, and causing the illumination to fade out after a predetermined period of time.

***Allowable Subject Matter***

6. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alhassoon (US 5,886,628), Tilly et al. (US 5,801,624), Bartilucci (US 5,663,707), Freeman et al. (US 5,231,373), and Rosario (US 4,663,609).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (703) 308-0160. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

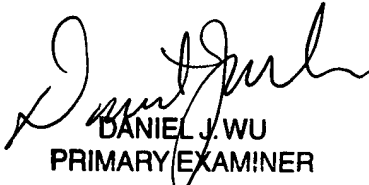
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached at (703) 308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3988 for regular communications and (703) 305-3988 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

July 8, 2003

Tai T. Nguyen  
Examiner  
Art Unit 2632

  
DANIEL J. WU  
PRIMARY EXAMINER  
7/10/03